

CUMBERLAND GAP PROVISION COMPANY  
South 23rd Street  
Middlesboro, Kentucky 40965

RE: Installation of two meat smoke generators and smoke ovens

April 1, 1994  
construction/operation

10 (3-I)

Smoke Generator 10/  
Processing Oven 3-I

OPERATING RATE:  
Maximum sawdust usage shall  
not exceed 15 pounds per hour.

ALLOWABLE EMISSIONS:  
1. Particulate emissions shall not  
exceed 2.34 pounds per hour.  
2. Visible emissions shall not  
equal or exceed 20 percent  
opacity.

APPLICABLE REGULATIONS:  
Regulation 401 KAR 59:010  
applies to the emissions  
of particulate matter.

S-94-071

101-0200-0069

Appalachian

Bell

2013

**POINT OF EMISSION**

11 (3-J)

**AFFECTED FACILITY**

Smoke Generator 11/  
Processing Oven 3-J

**CONDITIONS**

**OPERATING RATE:**

Maximum sawdust usage shall  
not exceed 15 pounds per hour.

**ALLOWABLE EMISSIONS:**

1. Particulate emissions shall  
not exceed 2.34 pounds  
per hour.
2. Visible emissions shall not  
equal or exceed 20 percent  
opacity.

**APPLICABLE REGULATION:**

Regulation 401 KAR 59:010  
applies to the emissions  
of particulate matter.

**GENERAL CONDITIONS:**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be (a) violation(s) of State Regulation 401 KAR 50:035, Permits, and Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for an enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. Any deviations from permit requirements, including those due to upset conditions, shall be promptly reported to the Division's London Sub Office. In accordance with State Regulation 401 KAR 50:055, General compliance requirements, Section 1, the reports shall describe the probable cause of the deviations and corrective actions or preventative measures taken.
3. This permit shall become null and void after five years following the date of issue. Application for renewal shall be made at least six months prior to the expiration date.
4. All records and support information required by State Regulation 401 KAR 50:035, Permits, shall be retained at the source authorized by this permit for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.

**GENERAL CONDITIONS:**

5. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
6. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
7. The permit contained herein may be revised, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance, shall not stay any permit condition.
8. This permit does not convey property rights or exclusive privileges.
9. The permittee shall perform compliance certification and record keeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 50:035, Permits, Section 3(4).
10. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Division copies of records, reports, and other information required by the permit to be kept.
11. This permit shall be subject to suspension at any time the permittee fails to pay all fees by the due date specified in State Regulation 401 KAR 50:038, Title V emission fees.
12. The permittee shall allow the Cabinet or an authorized representative to perform the following:
  - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b. Have access to and copy, at reasonable times, any records required by the permit:
    1. During normal office hours, and
    2. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but not be limited to, the following:
    1. During all hours of operation at the source,
    2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    3. During an emergency; and

**GENERAL CONDITIONS:**

- d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but not be limited to, the following:
  1. During all hours of operation at the source,
  2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
  3. During an emergency.
13. Operation of the affected facilities authorized by this permit shall not commence until compliance with applicable standards specified herein has been demonstrated in accordance with the requirements of State Regulation 401 KAR 50:035, Permits, Section 5(4).
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
16. Nothing in this permit shall alter or affect the authority of the U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
17. Pursuant to State Regulation 50:035, Permits, Section 4(7), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency if the notice met the requirement of State Regulation 401 KAR 50:035, Permits, Section 4(1)(c)3.b., and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
18. Emergency provisions listed in General Condition 17 are in addition to any emergency or upset provision contained in an applicable requirement.
19. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

**GENERAL CONDITIONS:**

20. Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements as of the date of the issuance of this permit.
21. Pursuant to State Regulations 401 KAR 50:035, Permits, Section 4(3)(g) and 401 KAR 59:005, General provisions, Section 3(1)(c), within 15 days following construction commencement, start-up, and attainment of maximum production rate, or within 15 days following the issuance date of this permit, whichever is later, the owner and/or operator of the affected facilities specified on this permit shall furnish to the Division's London Sub Office, with a copy to the Division's Frankfort Central Office, the following:
  - a. Date when construction commenced. (See General Condition 20)
  - b. Start-up date of each of the affected facilities listed on this permit.
  - c. Date when maximum production rate was achieved. (See General Condition 21.b)
22. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 5(6), unless construction is commenced on or before 18 months from the date of this permit or if construction is commenced and then stopped for any consecutive period of 18 months or more, then this permit shall become null and void.
23.
  - a. Pursuant to State Regulation 401 KAR 59:005, General provisions, Section 2(1), this permit shall allow time for the initial start-up, operation, and performance testing of the affected facilities listed herein. However, within 60 days after achieving the maximum production rate at which the affected facilities will be operated, but not later than 180 days after initial start-up of such facilities, the owner or operator shall demonstrate compliance to a duly authorized representative of the Division.
  - b. Pursuant to State Regulation 401 KAR 59:005, General provisions, Section 3(1)(b), unless notification and justification to the contrary are received by this Division, the date of achieving the maximum production rate at which the affected facilities will be operated shall be deemed to be 30 days after initial start-up.
24. Pursuant to State Regulations 401 KAR 50:012, General application, Section 1(1) and 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all air pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time the affected facility for which the equipment and measures are designed is operated, except as provided by State Regulation 401 KAR 50:055, Section 1.
25. Visible and particulate emissions as measured by methods referenced in State Regulation 401 KAR 50:015, Documents incorporated by reference, Section 1, shall not exceed the respective pollutant emission limitation specified herein.